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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,023	03/24/2006	Antoine Felix-Henry	P3255-96	1111
2352 7590 08/18/2010 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
HOOK, JAMES F				
ART UNIT		PAPER NUMBER		
3754				
MAIL DATE		DELIVERY MODE		
08/18/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/568,023

**Applicant(s)**

FELIX-HENRY, ANTOINE

**Examiner**

James F. Hook

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 June 2010.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loper in view of Cochran. The reference to Loper discloses the recited a method and pipe comprising a subsea flexible tubular pipe for transporting hydrocarbons such as oil or natural gas comprising at least one internal pressure sheath 12, an external sheath 24, at least one reinforcing ply 15,16 located in an annular region between the internal and external sheathes where gas can flow along paths toward a vent 50 to vent out permeated gases. The reference discloses all of the recited structure with the exception of inserting an inert gas in the annular region to run the permeated gases through to the vent. The reference to Cochran discloses the recited method of draining and venting permeate gases from a flexible tubular pipe comprising at least one internal pressure sheath 10 for transporting hydrocarbon type materials that are liable to diffuse through the wall of the internal sheath, an external sheath 12 around the internal sheath, at least one or more reinforcing plies 16,26 and specifically ribbed area 20 which forms flow paths for gases which can flow toward a vent 36d which is all article structure in a method claim holds limited weight, nitrogen gas is injected into the annular region to flow along the flow paths toward the vent, operating the vent for venting the gases out of

the annular region toward a location outside of the flexible tubular pipe, where the method does not require venting to any specific location other than toward the outside of the flexible pipe, as seen in figure 3, the entrainment gas is injected into a plurality of longitudinally disposed pipe sections to deliver gas to the next pipe section via tubes 72, 82, where the gas is injected into one end of the flexible pipe near 64a. It would have been obvious to one skilled in the art to modify Loper by providing an inert gas to the annular region to aid in venting of the permeate gases as suggested by Cochran where such would insure the permeated gases were vented out of the annular space to protect the layers and thereby save money in repair or replacement costs.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loper in view of Cochran as applied to claims 1-4 above, and further in view of Taylor. The reference to Loper as modified discloses all of the recited structure with the exception of using a vacuum to draw the gases through the vent. The reference to Taylor discloses that it is old and well known in the art to vent gases where a pump 56 to pump out gases or a suction device 56 can be used to remove the gases from the annulus between layers, and that a valve 55 can also be provided to control venting of gases. It would have been obvious to one skilled in the art to provide a source of suction to suck the gases from the annulus in Loper as modified as suggested by Taylor where such would protect against possible fire by removing gases from the annulus which could catch fire.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loper in view of Cochran and Kari. The reference to Loper discloses all of the recited structure with the exception of providing inert nitrogen gas to the annular region, and providing tubes for conveying the gases from the region. The reference to Kari discloses that it is old and well known in the art to modify the annulus between tubes to be either formed by a plurality of ribs such as figure 2, or to form such as a plurality of tubes such as seen in figure 6 for transmitting gases through the annulus or annular pipes. It would have been obvious to one skilled in the art to modify the structure of Loper as modified by substituting tubes for the ribbed structure to create the annulus between the pipes to transmit gases as suggested by Kari where such is a known equivalent structure used and would insure the proper spacing throughout the length of the pipe.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loper in view of Cochran and Kari as applied to claims 6-8 above, and further in view of Taylor. The reference to Loper as modified discloses all of the recited structure with the exception of using a vacuum to draw gases out. The reference to Loper as modified discloses all of the recited structure with the exception of providing suction to the annular space and using a valve to control the gases exiting the annular space. It would have been obvious to one skilled in the art to modify the article in Loper as modified by providing a source of suction to suck the gases from the annulus in Loper

and to provide a valve to control exit of gases from the annulus as suggested by Taylor where such would protect against possible fire by removing gases from the annulus which could catch fire.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Marriott and Ohm disclosing state of the art tube systems.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/  
Primary Examiner, Art Unit 3754

JFH